

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REGINALD J. RODGERS, SR.,     )  
  )  
                  Petitioner,       )  
  )  
v.                                        )  
  )  
DON ROPER,                            )  
  )  
                  Respondent.        )

Case No. 4:08CV950 RWS

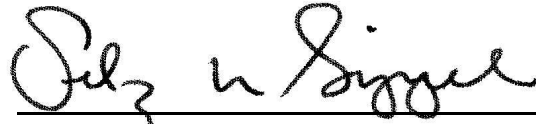
**MEMORANDUM AND ORDER**

This matter is before me on the petitioner's objection to the denial of his motion for evidentiary hearing without prejudice by United States Magistrate Judge Audrey G. Fleissig on June 18, 2009. I referred this matter to Judge Fleissig pursuant to 28 U.S.C. § 636(b). On June 18, 2009, Judge Fleissig issued her nondispositive ruling that petitioner's motion for a hearing would be considered along with the procedural and substantive issues raised in the action. Therefore, she denied the motion without prejudice at this point in the proceedings.

Petitioner objects to this ruling, arguing that it is contrary to law. I am overruling petitioner's objections because Judge Fleissig's decision to consider the request for an evidentiary hearing together with the procedural and substantive issues in this case is not clearly erroneous or contrary to law.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's objections to the Order issued by Judge Fleissig on June 18, 2009 [#18] are **DENIED**.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 29th day of June, 2009.